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REMARKS

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Claims 1-13, 15-25, 27-30, and 45-46 are pending in the present application.

Claims 14, 26, and 31-44 were previously cancelled. Claims 15, 18, and 30 have been amended, and claims 45-46 have been added herein. No new matter has been added.

Applicants respectfully request reconsideration of the claims in view of the following remarks.

As an initial matter, Applicants thank the Examiner for allowing claims 7, 12-13, and 19-20. Claims 45 and 46 have been added as dependent claims dependent upon allowed claim 12. Accordingly, claims 45 and 46 are also allowable as being dependent upon an allowed base claim.

Claim 8 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because Applicants believe that claim 1 from which claim 8 depends is allowable over the cited references as explained in greater detail below, Applicants have declined to redraft claim 8 in independent form at this time.

Claims 15 and 18 have been objected to because of informalities. These informalities have been corrected herein.

Claim 30 has been rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a first insulating layer, assertedly does not reasonably provide enablement for a first insulating layer having at least one first insulating layer and a conductive region which form a first metallization layer.

Applicants have amended claim 30, thereby rendering this rejection moot, and accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1-6, 9-11, 15-18, 22-25, and 27-29 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by Jin et al. (U.S. Patent Application Publication No. 2003/0183862 A1, “Jin”). Claim 21 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Jin in view of Yang et al. (U.S. Patent No. 6,417,537 B1, “Yang”). Applicants respectfully traverse these rejections.

With regard to the rejection of Applicants’ claim 1 under 35 U.S.C. § 102(e) in view of Jin, Applicants respectfully disagree. In particular, Applicants respectfully submit that Jin fails to disclose that “*the at least one second insulating layer comprises a recessed region between at least two adjacent MIM capacitors*” and “*the second conductive layer within the recessed region electrically couples the top plates of the at least two adjacent MIM capacitors*” as recited in Applicants’ claim 1.

In response to Applicants’ arguments in the previous response, the Office Action stated that the term “recessed” describes “the relationship between the top of the conductive layer (262 for figure 4M, 384 for figure 6, 484 for figure 8) and the top of the insulating layer (240 for figure 4M, 362 for figure 6, and 472 for figure 8).” (Office Action, page 2) Applicants respectfully submit that this is incorrect. The phrase “recessed” as used in the above-referenced phrase clearly refers to *a recess formed in the insulating layer* and does not refer to a relationship between the top of the conductive layer and the top of the insulating layer. Claim 1 explicitly states that “the second insulating layer comprises a recessed region,” *i.e.*, the recess region is formed in the second insulating layer. There is simply no mention of the relationship between the top of the conductive layer and the top of the insulating layer in the claim language.

This interpretation is supported by Applicants' specification and figures as, for example, explained in the following passage:

[0039] Next, with portions of the photoresist 252 left remaining over the logic region and portions of the DRAM region such as shown in Figure 3G and a top view in Figure 2G, the conductive material layer 252, the fourth stop layer 246 and *the fourth insulating layer 244 are etched in areas not protected by photoresist 252, as shown in Figure 4G*. The conductive material layer 250 and the fourth stop layer 246 are removed completely in the patterned region 253, and a top portion of the fourth insulating layer 244 is removed between at least two adjacent MIM capacitor patterns. The amount of the fourth insulating layer 244 that is removed is predetermined and comprises a distance d2, as shown in Figure 4G. The distance d2 may comprise about 500 to 5000 Angstroms, for example. *The etch process to recess the fourth insulating layer 244 may comprise a timed etch, for example.* Portions of the workpiece 204 that are covered by the photoresist 252 remain unetched during the etching of the fourth stop layer 246 and the fourth insulating layer 244. The photoresist 252 is removed, as shown in Figures 2H, 3H, and 4H.

(Application as filed, paragraph [0039])

Applicants further note that if the definition of "recessed" asserted by the Office Action is correct, then a first layer having a planar surface with a second layer formed thereon would be "recessed" – that is, the relationship of the top of the second layer and the top of the first layer. Clearly this is not the case, and this is what Jin assertedly discloses.

Assuming that one of the layers 220 or 224 or 230 or 232 or 234 of Jin discloses the "at least one second insulating layer" of Applicants' claim 1, Jin fails to disclose that the "at least one second insulating layer comprises a recessed region between at least two adjacent MIM capacitors" as explicitly recited in Applicants' claim 1. In fact, Jin's Figures 10H and 11B, the figures referred to by the Office Action, show that those layers

have a planar surface in which the MIM capacitors are formed. The region between adjacent MIM capacitors is not recessed.

Given the correct interpretation of the phrase "recessed," it is clear that Jin fails to disclose the recited limitations of Applicants' claim 1. Accordingly, Applicants respectfully request that the rejections of Applicants' claim 1 be withdrawn.

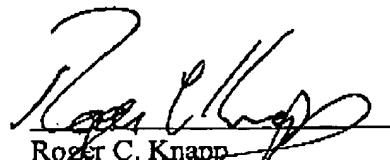
Claims 2-6, 8-11, 15-18, and 21 depend from and further limit independent claim 1 in a patentable sense. Accordingly, Applicants respectfully request that the rejections and/or objections of claims 2-6, 8-11, 15-18, and 21 be withdrawn as well.

Applicants' claim 22 recites a limitation similar to the limitation discussed above with reference to claim 1. Applicants respectfully request that the rejections of Applicants' claim 22 be withdrawn. Claims 23-25 depend from and further limit independent claim 22 in a patentable sense. Accordingly, Applicants respectfully request that the rejections of claims 23-25 be withdrawn as well.

Applicants' claim 27 also recites a limitation, "a top of the at least one first insulating layer comprises a recessed region between at least two adjacent MIM capacitors," that is not disclosed in Jin. Accordingly, Applicants respectfully request that the rejections of Applicants' claim 27 be withdrawn. Claims 28-30 depend from and further limit independent claim 27 in a patentable sense. Accordingly, Applicants respectfully request that the rejections of claims 28-30 be withdrawn as well.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,



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Date

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